IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.43 OF 2006

Mrs.Savita Mukund Kelkar & Anr. ..Petitioners.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.A.M.Joshi for petitioners.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 10, 2006.

P.C. :

1. Heard Counsel for the petitioners. There is no dispute that pursuant to order dated 29th November, 2004, the respondent No.4 passed necessary order on 22nd June, 2005. Indeed, the order has not been passed within the time specified by this court in order dated 29th November, 2004. Be that as it may, as the direction given by this court is substantially complied, no cause for contempt survives.

2. Counsel for the petitioners however, submits that once the order was passed pursuant to the direction of this court the respondent No.4 has now issued notice calling upon the petitioners to show cause why the earlier order passed on 22nd June, 2005 should not be reviewed in view of the representation

made in that behalf. Issuance of such notice cannot be painted as willful disobedience of directions. If such representation/review is received by the respondent No.4 after the order of 22nd June, 2005, he is obliged to decide that one way or the other. Indeed, for that he is required to give notice to the Petitioner, which is the course adopted by him. That action cannot be said as willful disobedience of the directions of this court. In that proceedings it will be open to the Petitioner to argue that the respondent No.4 has no jurisdiction to review and if such plea is taken the same will have to be decided on its own merits in accordance with the law.

3. Suffice it to observe, it is not a case for initiating contempt action. Hence, this petition is disposed off leaving all questions to be agitated in the pending proceedings before Respondent NO.4 open.

Ordered accordingly.